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DO HUMAN RIGHTS TREATIES MAKE A DIFFERENCE?

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Article Abstracts

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Do countries comply with the requirements of human rights treaties that they join? Are these treaties effective in changing states' behavior for the better? This Article addresses these questions through a large-scale quantitative analysis of the relationship between human rights treaties and countries' human rights practices. The analysis relies on a database encompassing 166 nations over a nearly forty-year period in five areas of human rights law. The analysis finds that although the practices of countries that have ratified human rights treaties are generally better than those of countries that have not, noncompliance with treaty obligations appears common. More paradoxically, controlling for other factors that affect practices, it appears that treaty ratification is not infrequently associated with worse practices than otherwise expected. These findings can be explained in part, the Article contends, by the dual nature of treaties as both instrumental and expressive instruments. Treaties not only create binding law, but also declare or express the position of countries that ratify them. Because human rights treaties tend to be weakly monitored and enforced, countries that ratify may enjoy the benefits of this expression—including, perhaps, reduced pressure for improvements in practices—without bearing significant costs. This does not mean that human rights treaties do not have any positive influence, but simply that these positive effects may sometimes be offset or even outweighed by treaties' less beneficial effects. The Article concludes by considering better ways to help ensure that human rights treaties improve the lives of those they are meant to help.



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Boston University School of Law

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